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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
February 2009 Grand Jury

UNITED STATES OF AMERICA,)	No. CR 06-259(A) -DSF
)	
Plaintiff,)	<u>F I R S T</u>
)	<u>S U P E R S E D I N G</u>
v.)	<u>I N D I C T M E N T</u>
)	
JOHN McTIERNAN,)	[18 U.S.C. § 1001(a)(2): False
)	Statements; 18 U.S.C.
Defendant.)	§ 1623(a), (c): False
)	Declarations Before a Court]
)	

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1001(a)(2)]

On or about February 13, 2006, in Los Angeles County, within the Central District of California, and elsewhere, in a matter within the jurisdiction of the United States Department of Justice, Federal Bureau of Investigation ("FBI"), an agency of the executive branch of the Government of the United States, defendant JOHN McTIERNAN ("McTIERNAN") knowingly and willfully made a false, fictitious, and fraudulent material statement, in that, during an interview conducted by the FBI, defendant

ACD

1 McTIERNAN claimed that he had no knowledge of any wiretapping
2 conducted by Anthony Pellicano, when in fact, as defendant
3 McTIERNAN well knew, he had hired and paid Anthony Pellicano to
4 conduct a wiretap of Charles Roven.

COUNT TWO

[18 U.S.C. § 1001(a)(2)]

On or about February 13, 2006, in Los Angeles County, within the Central District of California, and elsewhere, in a matter within the jurisdiction of the United States Department of Justice, Federal Bureau of Investigation ("FBI"), an agency of the executive branch of the Government of the United States, defendant JOHN McTIERNAN ("McTIERNAN") knowingly and willfully made a false, fictitious, and fraudulent material statement, in that, during an interview conducted by the FBI, defendant McTIERNAN claimed that he had never discussed wiretapping with Anthony Pellicano, when in fact, as defendant McTIERNAN well knew, he and Anthony Pellicano had discussed Anthony Pellicano's unlawful interception of Charles Roven's telephone calls, the information that Anthony Pellicano had obtained from that illegal wiretap, the information that defendant McTIERNAN wanted Anthony Pellicano to listen for on the illegal wiretap, and defendant McTIERNAN's payments to Anthony Pellicano for the illegal wiretap.

COUNT THREE

[18 U.S.C. § 1623(a), (c)]

On or about the following dates, in Los Angeles County, within the Central District of California, and elsewhere, in a proceeding before a court of the United States, defendant JOHN McTIERNAN ("McTIERNAN") made two or more statements, under oath, each of which was material to the point in question, and which were inconsistent to the degree that one of them was necessarily false, namely:

(1) On or about April 17, 2006, after having been placed under oath in open court, defendant McTIERNAN, when asked by the court whether his attorney had told him how he should answer any of the questions asked by the court at that proceeding, stated, "No, he did not, ma'am."

(2) On or about September 17, 2007, in a declaration signed under penalty of perjury, defendant McTIERNAN stated that his attorney had "coached [him] as to what [he] was to say" at the April 17, 2006 court hearing, had specifically instructed defendant McTIERNAN to "give no hint that [Federal Bureau of Investigation] Agent Ornellas' interview of [defendant McTIERNAN] had not been conducted in person and in fact he called on the telephone from Los Angeles," and had "proposed some very careful

wording" and "rehearsed" defendant McTIERNAN's responses so that
he could "get away with it."

A TRUE BILL


Foreperson

THOMAS P. O'BRIEN
United States Attorney



CHRISTINE C. EWELL
Assistant United States Attorney
Chief, Criminal Division

ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Violent & Organized Crime Section

DANIEL A. SAUNDERS
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